

EXHIBIT 14

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

* * * * *
THE ESTATE OF YARON UNGAR, ET AL., Case No:

Plaintiffs 00-105L

vs.

THE PALESTINIAN AUTHORITY;
ET AL.,

Defendants

* * * * *

VIDEOTAPED RULE 30 DEPOSITION OF:
SALAM FAYYAD
EAST JERUSALEM
JULY 28, 2010

Videotaped Rule 30 deposition of SALAM FAYYAD, taken in the above-entitled cause pending in the United States District Court, District of Rhode Island, pursuant to notice, before ISABELLE KLEBANOW, RPR, CT No. 311, Stenographer, at the Ambassador Hotel, East Jerusalem, on Wednesday, the 28th day of July, 2010, at 4:15 p.m. Jerusalem time.

REPORTED BY: ISABELLE KLEBANOW, RPR, CT NO. 311

Fayyad

Page 38	Page 40
<p>1 And so, if I'm really pressed to give you a 2 yes-or-no answer this afternoon here as we're doing 3 this, I can't but tell you no, I don't remember. 4 Q. Mr. Fayyad, let me explain something, if I might. 5 A. Yes. 6 Q. Well, I won't explain anything. I'll ask a 7 question. 8 A. Okay. 9 Q. Do you understand that you have told the United 10 States District Court that the PLO and the PA would 11 participate in discovery in the case? 12 You understand that? 13 A. I do. 14 Q. Okay. That means discovery under the American 15 rules, however strange they may be. 16 Do you understand that? 17 A. I'm not objecting to the rules. 18 Q. Okay. 19 A. I'm objecting to the form in which this 20 deposition is being conducted. These are two different 21 matters. 22 Q. Do you feel that I'm being rude to you? 23 A. I didn't say that. It's just, basically, that I 24 do not feel I'm given -- I'm being given the space to 25 recollect what I'm being pushed to say yes or no.</p>	<p>1 I want to ask you a very straightforward -- I think -- 2 question. 3 Were you aware of Judge Marrero's order? If you 4 don't know, you can say you don't know. If you say you 5 were aware of it, you can say you were. If you weren't 6 aware of it, you can say you weren't. 7 A. The truth, sir, is that I do not know. 8 All I'm really trying to do here is to get you to 9 see things from my own perspective as I communicate to 10 you my answers to questions you raise. 11 This has been a long process. There is constant 12 discussion going on, and it's not really the only case. 13 There are several cases here. So, at the time certain 14 significant things happened along the way, I'm sure I 15 was informed. You know what I'm saying? 16 But here we are months, years, after certain 17 things have happened. I cannot really be so certain. I 18 do not really want to tell you something yes or no when 19 I'm not really a hundred percent certain. 20 You know what I'm saying? That's what I'm really 21 trying to do here. 22 Q. That's fine. That's not unusual. That happens 23 to every witness. 24 MR. ROCHON: May we take a break at this 25 point, given -- is that agreeable?</p>
Page 39	Page 41
<p>1 That's basically what it is. 2 I'm familiar with this system as much as one can 3 be. I'm not a citizen of the United States. I lived 4 there long enough to know how it works. But I know the 5 difference between doing it right and not doing it -- 6 and doing it not so right. 7 That's basically what I'm saying. 8 Q. Mr. Fayyad, are you saying that I'm asking the 9 questions too quickly and not giving you time to answer? 10 A. Maybe it's not really that as much as it is when 11 you say, Yes or no, yes or no, yes or no. It's as if, 12 you know, I just came from a cramming room where I went 13 over -- where I've just gone over all these documents. 14 Q. Did you? 15 A. Fact of the matter is that I didn't. I run a 16 government. I have a lot of things to worry about. And 17 this is one of them. It's an important issue for me. 18 But I am not here to suggest to you in any 19 manner, shape or form, sir, that I can answer quickly 20 yes or no questions related to whether or not I read 21 certain documents three or four years ago. 22 That's basically what I'm saying, with all due 23 respect. 24 Q. With all due respect to you, Mr. Fayyad, you're 25 not the first witness that I've asked questions of. And</p>	<p>1 THE WITNESS: Yes. 2 THE VIDEOGRAPHER: Going off record at 4:55. 3 (Short recess taken.) 4 THE VIDEOGRAPHER: Going on record at 5:00. 5 Q. Mr. Fayyad -- 6 A. Yes. 7 Q. -- do you understand, one of the things that I'm 8 trying to find out is what you know about the case? 9 Do you understand that? 10 A. I understand that this is the nature of a 11 deposition, yes. 12 Q. But my question to you is, do you understand that 13 one of the things I'm trying to find out is how much you 14 know about different aspects of the case. 15 Do you understand that? 16 A. You're telling me that, and I take your word for 17 it. 18 Q. Okay. Now, what I'm trying to find out is, did 19 you ever learn of Judge Marrero's order to the United 20 States, to your recollection. 21 A. I don't remember. 22 Q. Okay. Fair enough. You have no recollection of 23 learning of it at this point. Is that fair? 24 A. I just don't remember really. 25 Q. You have no recollection of learning of it, is</p>

Fayyad

Page 42	Page 44
<p>1 that fair?</p> <p>2 MR. ROCHON: Objection. Asked and answered.</p> <p>3 MR. WISTOW: That's one of the things you're</p> <p>4 not supposed to do under our local rules. You just</p> <p>5 object, okay? Or instruct him not to answer, if you</p> <p>6 wish.</p> <p>7 MR. ROCHON: Thank you for the suggestions.</p> <p>8 Q. Is it fair to say that, as you sit here now,</p> <p>9 under oath, you have no present recollection of learning</p> <p>10 of this order?</p> <p>11 It may be you've forgotten it -- you knew it and</p> <p>12 forgot it -- but you have no recollection? Is that</p> <p>13 fair?</p> <p>14 A. That's exactly what I meant when I said I don't</p> <p>15 remember really.</p> <p>16 Q. Okay. So, as we sit here today, you have no</p> <p>17 recollection of ever learning of the order?</p> <p>18 MR. ROCHON: Objection.</p> <p>19 Q. Is that fair?</p> <p>20 MR. ROCHON: Objection.</p> <p>21 MR. WISTOW: I'm entitled to get a straight</p> <p>22 answer.</p> <p>23 MR. ROCHON: Objection.</p> <p>24 A. I just gave you one.</p> <p>25 Q. Is it fair --</p>	<p>1 document before?</p> <p>2 (Witness peruses document.)</p> <p>3 A. I don't know if I remember seeing this document</p> <p>4 specifically. I mean this very document.</p> <p>5 Q. Okay. I would like to direct your attention --</p> <p>6 A. Yes.</p> <p>7 Q. -- to eight lines from the bottom of the first</p> <p>8 page where it starts to read, The United States</p> <p>9 respectfully informs the Court that it declines to file</p> <p>10 a Statement of Interest concerning the Rule 60 issues</p> <p>11 presented by this case, but will continue to monitor</p> <p>12 this and other cases like it.</p> <p>13 MR. ROCHON: (Indicating).</p> <p>14 MR. WISTOW: Did you just point something to</p> <p>15 him?</p> <p>16 MR. ROCHON: Yes. The sentence we're</p> <p>17 reading so he could find it on the page. He was asking</p> <p>18 for help.</p> <p>19 MR. WISTOW: Okay.</p> <p>20 Q. If you need assistance in finding something, I'd</p> <p>21 ask you to tell me that you can't find it.</p> <p>22 A. Fine.</p> <p>23 Q. Is that fair?</p> <p>24 A. Fair.</p> <p>25 Q. Okay. Have you located it?</p>
Page 43	Page 45
<p>1 A. If what you said means I don't remember, then</p> <p>2 that's what I really mean to say.</p> <p>3 Q. Okay. Now, did you ever learn whether or not the</p> <p>4 United States complied with Judge Marrero's order?</p> <p>5 A. I don't remember either.</p> <p>6 Q. Maybe I can refresh your recollection.</p> <p>7 A. Okay.</p> <p>8 MR. ROCHON: If we show the witness the one</p> <p>9 that gets marked, we'll have two on our side --</p> <p>10 MR. WISTOW: Okay. Sure.</p> <p>11 MR. ROCHON: -- if that's agreeable.</p> <p>12 MR. WISTOW: That's fine.</p> <p>13 MR. ROCHON: If that's okay with the court</p> <p>14 reporter.</p> <p>15 (Off-the-record discussion while exhibit is</p> <p>16 marked).</p> <p>17 (Exhibit No. 2 marked for identification.)</p> <p>18 Q. Now, do you know --</p> <p>19 MR. ROCHON: That's how this -- by doing it</p> <p>20 that way, then we do get the two copies, so he's got</p> <p>21 one. We've got two.</p> <p>22 The court reporter doesn't read them. She</p> <p>23 marks them.</p> <p>24 MR. WISTOW: That's fine.</p> <p>25 Q. Have you ever, to your recollection, seen this</p>	<p>1 A. I have.</p> <p>2 Q. Okay. Have I read it correctly?</p> <p>3 A. You have.</p> <p>4 Q. Okay. Do you understand that to mean that, in</p> <p>5 response to Judge Marrero's order to the United States</p> <p>6 to state whether or not it would file a Statement of</p> <p>7 Interest, the United States responded by saying they</p> <p>8 would not file a Statement of Interest in this case --</p> <p>9 the Knox case -- or any similar cases.</p> <p>10 Do you understand that to mean that?</p> <p>11 A. I understood that to be the case. I'd have to</p> <p>12 read through the rest of the letter, or to continue that</p> <p>13 sentence where it says, But will continue to monitor</p> <p>14 this and other cases like it.</p> <p>15 Q. Yes. Right. I'm only talking about at the time.</p> <p>16 A. Yes.</p> <p>17 Q. I mean anything could happen after this.</p> <p>18 A. I understand.</p> <p>19 Q. But at that time --</p> <p>20 A. Yes.</p> <p>21 Q. -- which was February 29, 2008, if this document</p> <p>22 is authentic, then the United States declined to give a</p> <p>23 suggestion (sic) of interest in the Knox case -- and you</p> <p>24 see, third line from the top -- or in any other of the</p> <p>25 cases pending in other districts.</p>

Fayyad

Page 134	Page 136
<p>1 meeting.</p> <p>2 Q. Who?</p> <p>3 A. I don't remember for sure, but probably the</p> <p>4 Minister of Foreign Affairs was there.</p> <p>5 Q. What was his name?</p> <p>6 A. The Prime Minister then was there for sure. I</p> <p>7 mean, there were several ministers attending.</p> <p>8 This is something that was, by that time, you</p> <p>9 know, discussed widely. I mean it's --</p> <p>10 Q. It was a big deal?</p> <p>11 A. Yes. It was a big deal. Definitely, it was a</p> <p>12 big deal. For sure it was a big deal.</p> <p>13 Q. Okay. When you came back into government --</p> <p>14 A. Yes.</p> <p>15 Q. -- did you, because it was such a big deal, try</p> <p>16 to find out what happened?</p> <p>17 A. Yes.</p> <p>18 Q. What did you find out?</p> <p>19 A. I found out that, as a matter of fact, that the</p> <p>20 President's office was seeing to the matter, and that</p> <p>21 they were in the process of trying to find legal</p> <p>22 representation.</p> <p>23 And, you know, then I took over and I basically</p> <p>24 carried this forward, and took -- and played an active</p> <p>25 role in actually finding us legal representation to</p>	<p>1 considered.</p> <p>2 Q. So you followed up?</p> <p>3 A. Yes. Yes.</p> <p>4 Q. How did you follow up? What did you do?</p> <p>5 A. I don't know. Typically, generally, first thing</p> <p>6 you do when you have something like this --</p> <p>7 Q. Yes?</p> <p>8 A. -- is to actually talk to the US representative</p> <p>9 here.</p> <p>10 Q. To the what?</p> <p>11 A. To the US representative here.</p> <p>12 Q. In Palestine?</p> <p>13 A. The Consul General in Jerusalem, yes.</p> <p>14 Q. Did you do that?</p> <p>15 A. Well, now, I really --</p> <p>16 Q. Did you do that?</p> <p>17 MR. ROCHON: Let him finish the answer.</p> <p>18 A. I can tell you, in all likelihood, given the</p> <p>19 importance of the matter, I must have done.</p> <p>20 Q. Okay. Where were you? In his consulate?</p> <p>21 A. Pardon?</p> <p>22 Q. Was it in his consulate?</p> <p>23 A. Or in my office, or over the phone.</p> <p>24 Q. You don't remember?</p> <p>25 A. I don't remember.</p>
Page 135	Page 137
<p>1 pursue these cases.</p> <p>2 Q. I'm not talking about that. I'm talking about,</p> <p>3 you asked Condoleezza Rice to do something, right?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. Up to the time you left --</p> <p>6 A. Yes.</p> <p>7 Q. -- you don't know if you ever heard from her</p> <p>8 again, right?</p> <p>9 MR. ROCHON: Objection. Asked and answered.</p> <p>10 A. Well, as I told you --</p> <p>11 MR. WISTOW: I'm trying to put him back</p> <p>12 on --</p> <p>13 A. I really don't remember. I told you that.</p> <p>14 Q. You don't remember hearing from her. So, at</p> <p>15 best, you told me before, you were told that the whole</p> <p>16 issue was under advisement.</p> <p>17 Do you remember that?</p> <p>18 A. Oh, yes. What I'm really saying to you is I do</p> <p>19 not remember specific, you know, communication on this</p> <p>20 matter.</p> <p>21 Given the importance that we attached to this at</p> <p>22 the time, it is most unlikely that I did not follow up</p> <p>23 on it. Even if I did, the customary answer would have</p> <p>24 been -- most likely something given as an answer was</p> <p>25 that, you know, it was something that was being</p>	<p>1 Q. Do you remember what he said?</p> <p>2 MR. ROCHON: Counsel, you're repeating. I'm</p> <p>3 not getting upset, because you don't like it, but it's</p> <p>4 been several times. Let him finish.</p> <p>5 MR. WISTOW: Okay.</p> <p>6 THE WITNESS: Yes.</p> <p>7 A. You know, as I tried to explain --</p> <p>8 Q. Please, what did the US Consulate say?</p> <p>9 A. Let me try to really say this -- I hope the last</p> <p>10 time -- in a way that is clear or adequately and</p> <p>11 sufficiently understood.</p> <p>12 The matter is of importance to us. I submitted</p> <p>13 this letter to the Secretary. In all likelihood, given</p> <p>14 the importance of that matter to us, I must have, at the</p> <p>15 time, followed up by asking, you know, questions as to</p> <p>16 where do we stand on the matter, given what was</p> <p>17 involved, given the importance of the issues.</p> <p>18 Typically, those communications first take place</p> <p>19 through and with the US Consul General in Jerusalem.</p> <p>20 This could have happened at his office, at my office,</p> <p>21 his office, my office, or telephone call. You know,</p> <p>22 things like this happen all the time.</p> <p>23 I mean this is in the nature of on-going concern.</p> <p>24 To not have gotten a written response to a letter like</p> <p>25 this which is saying, you know, we have a problem, is</p>

Fayyad

Page 282	Page 284
<p>1 MR. WISTOW: It's not speculation when he 2 tells me what the custom and usage is. But when I 3 ask what it is -- 4 MR. ROCHON: If you want to argue for the 5 Judge, that means I'm going to have objections. 6 MR. WISTOW: Okay. Fair point. I'll 7 withdraw. 8 MR. ROCHON: Mr. Prime Minister, you can 9 answer the question. 10 A. Okay. 11 Q. Okay. You would expect that a letter from the 12 Secretary of State dealing with the case you're about to 13 get involved in, where, effectively, she says, We can't 14 do anything -- the Secretary of State can't do 15 anything -- you would expect that he would tell you 16 about that, wouldn't you? 17 A. You know, all of this, what this tells me really, 18 in terms of trying to piece it together as best as I 19 can -- 20 Q. I'm sorry? 21 A. As I try to piece it together as best as I can -- 22 Q. Yes? 23 A. -- all this tells me is that this was a matter 24 that was definitely in discussion at the President's 25 level around the time of this already, and even before.</p>	<p>1 Q. Okay. So, if I understand what we're saying 2 here, you believe that you were told about Condoleezza 3 Rice's response to the letter of President Abbas, or you 4 were not? 5 Which do you believe? 6 A. You know, in the course of many discussions on 7 this issue over time, it's really hard for me now to 8 tell you what happened when and which happened before 9 which. 10 I became aware of the President's involvement in 11 the sense of communications with the Secretary of State 12 of the United States, Condoleezza Rice, on this matter. 13 Q. When? 14 A. But I really cannot tell you. I don't know. I 15 don't remember. 16 Q. He had heard back from the Secretary of State 17 apparently on or about January 12, okay? 18 A. Okay. 19 Q. So early on in your involvement with Ungar, you 20 had this discussion? 21 A. No, no. What I'm saying is that -- I'm sorry if 22 I was not really clear. Let me clarify. 23 I meant to say that there were numerous 24 discussions on this case over an extended period of 25 time. Part of that period, I was not in government.</p>
Page 283	Page 285
<p>1 What I testified to before, and I repeat now, is 2 that I'm aware, based on my subsequent involvement in 3 this case, that the PA was making a serious effort 4 trying to identify an adequately suitable legal 5 representation in the United States before January of 6 2007. I know this. 7 Q. Oh, good. Okay. 8 A. I know that to be the case. I testified to that, 9 and I repeat it now. 10 Q. So that's -- 11 A. -- in 2006. 12 Q. -- in 2006. Unsuccessfully. 13 A. Unsuccessfully, as I mentioned before. 14 Q. Okay. And if I wanted to get the details about 15 those efforts, who would I depose? 16 MR. ROCHON: Objection. Asked and answered. 17 Q. If you know. 18 MR. ROCHON: You've asked before. 19 MR. WISTOW: I know. 20 A. You know, the only person I know who, as a matter 21 of fact, was involved in this -- I mean probably had 22 people also help him -- was the director of the 23 President's office at the time. 24 Q. Was that Hussein? 25 A. Hussein. Yes.</p>	<p>1 It's true. 2 Q. You were what? 3 A. Part of this period, you know, I was not in 4 government. 5 Q. Okay. That's the period. 6 A. Nevertheless -- yes. Nevertheless, there was 7 constantly discussion of that. 8 Now, subsequently, I can tell you, for example, 9 in more recent periods, since, you know, the filing of a 10 motion to vacate, there were several discussions with 11 our lawyers on this. 12 So I can't tell you now, with all of these 13 events, what happened when, to be honest with you, in 14 terms of when it is that I became aware precisely that 15 there was this communication between the President and 16 the Secretary. 17 Q. Okay. You were out of government -- 18 A. Yes. 19 Q. -- from mid-December? 20 A. A little before that. 21 Q. Well, 12-12. That's what we agreed. 22 MR. ROCHON: No, no, you didn't. He said 23 December 5. 24 MR. WISTOW: Okay. Sorry. You're right. 25 Absolutely right.</p>

Fayyad

Page 350	Page 352
<p>1 they?</p> <p>2 A. I don't remember that part of it.</p> <p>3 I mean what I know about it, what I recall, is</p> <p>4 that the situation was they came under pressure by the</p> <p>5 Israeli army, and they sought refuge in the church.</p> <p>6 Q. You knew he was expelled to Algeria, you said?</p> <p>7 A. I mean I know that there was an individual who</p> <p>8 passed away in Algeria, and he was deported.</p> <p>9 Q. Right.</p> <p>10 A. That -- and I knew of it after the fact, not</p> <p>11 before.</p> <p>12 Q. Well, when you talked about the injustice of his</p> <p>13 expulsion --</p> <p>14 MR. ROCHON: Objection.</p> <p>15 A. You know --</p> <p>16 MR. ROCHON: Mr. Prime Minister, there's an</p> <p>17 objection.</p> <p>18 The objection is, the witness having said</p> <p>19 that he wasn't sure he said that, now you're assuming he</p> <p>20 did. That's even worse than assuming facts not --</p> <p>21 MR. WISTOW: This is a speaking objection.</p> <p>22 All you've got to do is object or instruct him not to</p> <p>23 answer. This is a speaking objection.</p> <p>24 And this is what I call cross-examination,</p> <p>25 okay? He's an adverse witness. And that is possibly</p>	<p>1 A. Yes. Yes. Yes.</p> <p>2 Q. Okay. It was a drive-by shooting, yes?</p> <p>3 A. It was a shooting in the north, near Nablus.</p> <p>4 Q. And there were three alleged terrorists arrested?</p> <p>5 A. I do not know if there were arrests in this case.</p> <p>6 Q. They were in a fire fight?</p> <p>7 A. No, no, no. What happened, there was an Israeli</p> <p>8 incursion into Nablus, and three were actually killed --</p> <p>9 not arrested -- by the Israeli army.</p> <p>10 Q. They were assassinated?</p> <p>11 A. I mean there were eye-witnesses, including</p> <p>12 children, that suggested that it was -- that they</p> <p>13 actually were shot, at least -- I mean I'm trying to</p> <p>14 really remember now, each one of them how it happened.</p> <p>15 But the description that was given by eye-</p> <p>16 witnesses was that they were fired at when they were not</p> <p>17 resisting, or they were not firing at anyone. In one</p> <p>18 instance, a guy was coming down the stairs, as it was</p> <p>19 described to me, and he was shot.</p> <p>20 So they were assassinated. They were not</p> <p>21 arrested. They were killed.</p> <p>22 Q. They were murdered?</p> <p>23 A. Yes.</p> <p>24 Q. You investigated, looked into it, came to that</p> <p>25 conclusion?</p>
Page 351	Page 353
<p>1 the most classic example of a speaking objection I've</p> <p>2 ever heard.</p> <p>3 Q. Now, do you know whether President Abbas sent an</p> <p>4 emissary to the funeral?</p> <p>5 MR. ROCHON: Asked and answered.</p> <p>6 A. Yes. As I said, I do not recall specifically in</p> <p>7 this particular case, but it's something that he may</p> <p>8 have done.</p> <p>9 Q. Maybe this will refresh your recollection, maybe.</p> <p>10 Do you recall the spokesman saying, We must</p> <p>11 maintain the way of the shahid Daoud, who always</p> <p>12 believed in the struggle and love of the homeland and</p> <p>13 the realization of national unity?</p> <p>14 Does that ring a bell?</p> <p>15 A. Not necessarily.</p> <p>16 Q. Okay.</p> <p>17 A. Or specifically.</p> <p>18 Q. Okay. Do you know -- are you aware of the murder</p> <p>19 of an Israeli, Rabbi Meir Avshalom Hai, in a drive-by</p> <p>20 shooting?</p> <p>21 There was a lot of newspaper coverage about that.</p> <p>22 A. When was that?</p> <p>23 Q. In December of 2009.</p> <p>24 A. Oh, yes. Yes. Yes.</p> <p>25 Q. Okay. That was a big story?</p>	<p>1 A. I mean this is a matter of great interest and</p> <p>2 concern to us. And we tried, as best as we can, to find</p> <p>3 out what happened, and there was a lot of discussion on</p> <p>4 this with Israeli counterparts.</p> <p>5 And we definitely protested that whole operation,</p> <p>6 the raid -- the incursion, if you will -- leading to</p> <p>7 those killings of the three individuals. I mean there</p> <p>8 was no trial or anything like that.</p> <p>9 We don't know for sure, you know, if, in fact,</p> <p>10 they're the ones who were involved in the killing of the</p> <p>11 rabbi.</p> <p>12 Q. Do you recall this was big story? We've said</p> <p>13 that.</p> <p>14 A. It was.</p> <p>15 Q. Do you recall President Abbas honoring the three</p> <p>16 people who were killed, who allegedly were the murderers</p> <p>17 of the rabbi, saying that they were shahids of the</p> <p>18 Palestinian revolution?</p> <p>19 Does that sound right? Do you remember that?</p> <p>20 A. I don't remember a statement made by the</p> <p>21 President in connection with this.</p> <p>22 But it was, as I mentioned to you, something that</p> <p>23 really caused a great deal of difficulty at the time it</p> <p>24 happened in the way it happened.</p> <p>25 I know that we were actively involved and engaged</p>

Fayyad

Page 370	Page 372
<p>1 Mr. Fayyad, about the -- I think you talked about a 2 devastating effect paying the judgment in this case 3 would have on the PA's financial situation, correct? 4 A. Yes. 5 Q. I'm focusing you on that. 6 Now, do you know how much money is tied up in 7 reference to the Ungar case? Roughly. 8 A. I mean I know there's Pension Fund money tied up. 9 Probably \$50 million. 10 Q. If I told you that more than \$116 million was 11 tied up, would that be a surprise? 12 A. It probably is within the realm of what I would 13 expect, yes. 14 Q. If I told you it's significantly more than 15 \$116 million, would that surprise you? 16 A. Maybe not. 17 Q. Okay. Whatever's been tied up is totally 18 unavailable to you at the present time, right? 19 A. It isn't available to us for use at the present 20 time. 21 Q. Right. And it's not affecting your ability to 22 fund anything one way or another at the moment, because 23 you don't have access to it? 24 A. But it has affected our ability already. 25 Q. In the past.</p>	<p>1 it's a benefit. 2 Q. It's a substantial benefit if you get the money, 3 correct? 4 A. I certainly believe it would be great relief if 5 those funds were unfrozen, for sure. 6 Q. But -- 7 A. Not to mention, if I may, that some of those 8 assets actually do not belong to the Palestinian 9 Authority. 10 And I feel very bad about, in particular, for 11 example, Pension Fund money being frozen. I mean that 12 money belongs to pensioners. 13 Q. May I suggest that you consider -- 14 A. And if that money does not become available, with 15 the Pension Fund running out of money, it's a liability 16 of the government. So I mean the tale on this has not 17 really all been written. That's one. 18 And, secondly, we're talking about substantial 19 sums of money, not only in connection with this case 20 but other cases. 21 MR. WISTOW: You know, I just -- you've 22 given me a limited amount of time. We're trying to 23 accommodate. 24 MR. ROCHON: I haven't given you a limited 25 amount of time. The rules give you your time.</p>
Page 371	Page 373
<p>1 A. No. In the following sense. 2 You know, we always had a deficit, a substantial 3 need for foreign assistance to fund that deficit 4 throughout the period this was litigated -- and, in 5 recent years, actually substantial deficit. 6 And what it meant is that, by not having access 7 to those funds, at least part of them, because they do 8 not all fall in the same category, the point is we had 9 to resort to bank borrowing in order to be able to make 10 end meets. 11 And this is way beyond what banks would -- you 12 know, whatever recourse to the banking system we would 13 have made in the absence of that attachment or the 14 freezing of those assets. 15 Q. There's no question that getting the money would 16 be a benefit to you. Getting it unfrozen and handed 17 over would be a benefit. 18 We all agree with that, correct? 19 A. It definitely would be a benefit because we have 20 substantial liabilities, corresponding liabilities, 21 given the absence from our income stream of the assets 22 frozen. 23 Q. All I'm doing is agreeing with you. We're saying 24 it's a benefit if you get the money, correct? 25 A. It's more than can be reflected by just saying</p>	<p>1 MR. WISTOW: I don't agree with that. 2 Q. Is this the kind of cooperation we can expect in 3 future, the way you're responding to my questions? 4 MR. ROCHON: Objection. 5 Q. Is it? 6 A. What do you mean by cooperation? 7 Q. Withdraw that. 8 MR. ROCHON: Mr. Prime Minister, don't 9 answer that. 10 Q. May I suggest, if you feel badly about what's 11 happening with -- 12 MR. ROCHON: Counsel, do you have a 13 question? 14 MR. WISTOW: Yes. 15 MR. ROCHON: What is it? 16 Q. Have you considered, to mollify your feelings 17 about the Palestinian Investment Fund, that somebody 18 goes to court and tells Judge Lagueur, Something's 19 wrong? 20 Have you thought about that? Yes or no. 21 MR. ROCHON: Asked and answered. 22 A. Can you please paraphrase. 23 Q. I'll withdraw the question. 24 You were talking about deficits -- 25 A. Yes.</p>

Fayyad

Page 386	Page 388
<p>1 Q. Isn't that so?</p> <p>2 A. What you just said, sir, does not seem to be</p> <p>3 substantiated by the evidence discussed in the course of</p> <p>4 this deposition.</p> <p>5 The testimony will show, and statements read and</p> <p>6 pieces of material evidence cited, strongly indicate</p> <p>7 that the Palestinian Authority was trying to, in</p> <p>8 earnest, to find adequate and competent legal</p> <p>9 representation before that letter by the Secretary of</p> <p>10 State was sent to President Abbas.</p> <p>11 Looking for competent legal counsel in order to</p> <p>12 represent it and to have this litigated on merits, as</p> <p>13 you say, I mean before the letter from Secretary of</p> <p>14 State Condoleezza Rice was sent to the President.</p> <p>15 Q. But it was a matter of a few months after that</p> <p>16 letter from Condoleezza Rice that it was decided to do</p> <p>17 it on the merits. Isn't that so?</p> <p>18 MR. ROCHON: Objection.</p> <p>19 A. It is not true, based on testimony actually</p> <p>20 discussed today and presented today, and material read.</p> <p>21 Q. And also --</p> <p>22 A. It is clear, and I said, and I repeat, and I</p> <p>23 know -- and this is substantiated by evidence -- that</p> <p>24 the PA was definitely seeking to recruit, to employ, to</p> <p>25 hire, to retain the services of legal counsel in 2006.</p>	<p>1 A. I mean I -- I mean I don't know if Ramsey Clark</p> <p>2 was working on his own. He probably had associates,</p> <p>3 yes.</p> <p>4 Q. I'm not talking about associates. Ramsey Clark</p> <p>5 was not admitted to practice in Rhode Island.</p> <p>6 A. Okay.</p> <p>7 Q. He had co-counsel who signed all the pleadings,</p> <p>8 went to hearings. Are you aware of that?</p> <p>9 A. I'm not aware. I do not know how the proceedings</p> <p>10 went.</p> <p>11 Q. Okay.</p> <p>12 A. All I know is that that was the position taken</p> <p>13 and that was the submission made by the legal counsel</p> <p>14 there.</p> <p>15 Q. Did anyone contact --</p> <p>16 A. Exactly who did it, I don't know.</p> <p>17 Q. Did anyone contact Demming Sherman or his firm to</p> <p>18 see if they would represent the PLO and PA in 2006?</p> <p>19 A. That may have been the case. I do not know.</p> <p>20 Q. Anything could have been. Did you ask?</p> <p>21 A. I was not --</p> <p>22 Q. Did you ask?</p> <p>23 MR. ROCHON: Counsel, counsel, you're just</p> <p>24 badgering.</p> <p>25 Q. All right. I want to talk about the Mecca</p>
Page 387	Page 389
<p>1 And the letter sent by Secretary of State Rice to</p> <p>2 President Abbas, that was presented to me which I saw</p> <p>3 for the first time here at this deposition, was a letter</p> <p>4 that was sent in January of 2007.</p> <p>5 Q. Name one lawyer -- one -- who was contacted by</p> <p>6 the PLO or PA to come into this case. Just one.</p> <p>7 MR. ROCHON: Asked and answered.</p> <p>8 A. I mean I don't know.</p> <p>9 Q. Okay.</p> <p>10 A. But I know that definitely was the case --</p> <p>11 Q. Okay.</p> <p>12 A. -- that the PLO was looking in the course of --</p> <p>13 Q. Do you know who Demming Sherman is?</p> <p>14 A. Pardon me?</p> <p>15 Q. Demming Sherman.</p> <p>16 A. I don't remember.</p> <p>17 Q. He was co-counsel --</p> <p>18 A. Oh, okay.</p> <p>19 Q. -- in this case.</p> <p>20 A. Okay.</p> <p>21 Q. Does that ring a bell?</p> <p>22 A. Co-counsel? You mean with Ramsey Clark?</p> <p>23 Q. Yes.</p> <p>24 A. Possibly.</p> <p>25 Q. Possibly? You don't know that?</p>	<p>1 agreement.</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Payments were made, and are to be made,</p> <p>4 directly for Hamas security forces under the Mecca</p> <p>5 agreement, are they not?</p> <p>6 A. Can you please repeat the question.</p> <p>7 Q. Payments are made by the PA, under the Mecca</p> <p>8 agreement, for Hamas security forces.</p> <p>9 A. That's not true.</p> <p>10 Q. That's absolutely false?</p> <p>11 A. There's not a provision in the Mecca accord that</p> <p>12 has something specific pertaining to payments to</p> <p>13 security forces or anything like that.</p> <p>14 Q. But there are payments made that end up</p> <p>15 supporting security forces, aren't there?</p> <p>16 A. I mean --</p> <p>17 Q. Aren't there?</p> <p>18 A. Payments made available -- or donations, donor</p> <p>19 assistance -- made available to the Palestinian</p> <p>20 Authority is used to, among other things, pay salaries</p> <p>21 and wages for PA employees, civilians and security</p> <p>22 personnel.</p> <p>23 That's not to say Hamas.</p> <p>24 Q. Well, the security personnel in Gaza, yes?</p> <p>25 A. Yes.</p>